

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA	*	Case No. 17-MJ-00385 (RER)
	*	
	*	Brooklyn, New York
	*	May 25, 2017
v.	*	
	*	
WEI WEI WANG,	*	
	*	
Defendant.	*	
	*	
* * * * *		

TRANSCRIPT OF CRIMINAL CAUSE FOR PLEADING  
BEFORE THE HONORABLE MARILYN D. GO  
UNITED STATES MAGISTRATE JUDGE

APPEARANCES:

For the Government:	GIRISH KARTHIK SRINIVASAN, ESQ. Asst. United States Attorney United States Attorney's Office 271 Cadman Plaza Brooklyn, NY 11201
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For the Defendant:	MICHAEL PADDEN, ESQ. Federal Defenders of NY, Inc. One Pierrepont Plaza, 16th Fl Brooklyn, NY 11201
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Certified Interpreter:	MS. ESTRELITA PLESTED
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1 (Proceedings commenced at 3:44 p.m.)

2 THE CLERK: Criminal cause for a status conference.  
3 Case No. 17-385, United States versus Wei Wei Wang. Counsel,  
4 your name for the record.

5 MR. SRINIVASAN: Good afternoon, Your Honor.  
6 Karthik Srinivasan for the government.

7 MR. PADDEN: For Ms. Wang, Michael Padden for  
8 Federal Defenders. Actually, Peter Kirchheimer is her  
9 attorney, Your Honor, but he is unavailable today.

10 THE CLERK: Also present is Spanish interpreter,  
11 Estrelita Plested, previously, sworn.

12 THE COURT: All right.

13 MR. SRINIVASAN: Your Honor, this case was  
14 originally here on May 1st as part of removal proceedings to  
15 the Southern District of California. The defendant is  
16 charged there with smuggling of shell fish, Abalone sea  
17 cucumber.

18 At the time we had an agreed upon bond of \$50,000  
19 that was signed by this individual, her husband. I've been  
20 informed that he wishes to remove himself from the bond, and  
21 there's a bit of a story involving potential contacts with a  
22 co-defendant that I think form the basis of this.

23 THE COURT: Okay. And that's alluded to in the  
24 memorandum that was provided to me from the Pretrial Services  
25 Agency. I assume you've seen the --

1 MR. PADDEN: I've seen that, Judge.

2 THE COURT: Okay.

3 MR. PADDEN: But I don't think that was ever a  
4 condition of the bond, but we'll get to that I suppose in a  
5 moment.

6 THE COURT: What? Not -- having contact -- not  
7 having contact.

8 MR. PADDEN: Right.

9 THE COURT: Okay. But I guess the initial issue is  
10 whether or not there's a viable bail package at this point  
11 with the husband.

12 MR. PADDEN: Right. And, of course, she didn't  
13 know that anything was potentially changing until she went to  
14 Pretrial Services today. I mean, we could substitute a  
15 suretor. She could post potentially a cash bail, and maybe  
16 I'm getting a little ahead of myself here, but I actually  
17 spoke to Mr. Kirchheimer, you know, so I got a little bit of  
18 a background on what had happened here.

19 And he's already been in touch with lawyers and  
20 some former colleagues of ours that now work at the San Diego  
21 Federal Defender's Office and they're waiting to represent  
22 her there.

23 But in any event, Judge, the bottom line is it is  
24 clear that her intention is to appear in California on her  
25 court date, and that's what she's totally prepared to and

1 expecting to do.

2 It seems underlining this from our point of view is  
3 some sort of domestic dispute between her and her husband  
4 that has prompted his inclination to come off the bond. That  
5 said, you still have her signed on a 50,000 PRV, and she will  
6 bring in additional suretors or one suggestion I have was  
7 perhaps if you wanted to put her on an electronic monitoring  
8 and to say -- Mr. Kirchheimer will be back on Tuesday. In  
9 fact, he's on duty on Tuesday. And we talked about it.

10 Whatever you want to do in terms of conditions  
11 between now and then, we could probably have a very viable  
12 package, alternative package. We didn't need one, because we  
13 have her husband here to sign for her in the initial  
14 instance. But he was prepared to offer alternative packages  
15 and he will do so on Tuesday.

16 MR. SRINIVASAN: Well, Your Honor --

17 THE COURT: Well, I think as a preliminary matter,  
18 let's just -- let me state that if -- if the husband, Mr. Fei  
19 Long, does not wish to remain on the bond, I'm not going to  
20 force him to remain on the bond.

21 So, and in my view, given --

22 MR. PADDEN: I was jumping ahead to the ultimate  
23 issue, I guess.

24 THE COURT: -- given that this is a removal case,  
25 it's generally not only advisable for the defendant, but it's

1 -- it's frequently appropriate to have a secured bond.

2 MR. SRINIVASAN: I -- Your Honor, that would be our  
3 position. And it just takes -- two aspects.

4 ``One, this individual is a -- the defendant is a Taiwanese  
5 national. As far as we know, she doesn't have strong ties  
6 here. I think she resided in Mexico for a significant period  
7 of time, 2as actually on an outbound flight to Mexico City at  
8 the time of her arrest.

9 So I think all of her contacts are there. And so I  
10 do think remand would be appropriate.

11 On the additional piece about contacts with the co-  
12 defendant, if the Court wants, I think it might be  
13 appropriate to ask the surety himself, because he's the one  
14 who overheard this, and that might also give the Court some  
15 pauses to risk of flight in addition to -- if there are any  
16 other issues.

17 MR. PARDON: Well, she has business in Mexico. I  
18 mean, in fact, there was a question about Mr. Kirchheimer  
19 advised her that she couldn't go to Mexico.

20 It may well be that that's what she was explaining  
21 to her business associate if, in fact, he wanted her to come  
22 to Mexico.

23 But she knows very well she can't go to Mexico  
24 until, you know, the case is resolved in California. And  
25 that was what she was proceeding towards until today, I

1 guess.

2 THE COURT: Okay. Well, the memo from the Pretrial  
3 Services Agency is a little confusing, because it talks about  
4 Mr. Long overhearing a telephone conversation, and then  
5 explaining to the defendant -- anyway, why don't we just  
6 swear Mr. Long and I'll just clarify on the record what  
7 information he has.

8 (Mr. Long is sworn.)

9 THE CLERK: Please state your name for the record  
10 and speak loudly to the recording. Your name?

11 MR. LONG: Fei Long.

12 THE CLERK: Thank you.

13 THE COURT: Okay. Mr. Long, I have a memorandum  
14 here from Pretrial Services stating that you called Pretrial  
15 Services and advised them of a telephone conversation you  
16 heard between -- that you overheard involving your wife?

17 MR. LONG: Not really I heard a conversation. But  
18 everything she told -- what I say about this paper is she  
19 told me she had a conversation with her ex-boyfriend about  
20 different options. So make me pretty nervous about my  
21 security deposit. And I can't (inaudible) money (inaudible)  
22 --

23 THE COURT: Okay. So --

24 MR. LONG: -- (inaudible).

25 THE COURT: So, Mr. Alan Ren is her ex-boyfriend?

1 MR. LONG: Is her ex-boyfriend.

2 THE COURT: It's her ex-boyfriend?

3 MR. LONG: Yes.

4 THE COURT: Okay. And so -- so one of the options  
5 was to flee; is that what you're telling me?

6 MR. LONG: Yeah.

7 THE COURT: Okay. Now, did she indicate --

8 MR. LONG: The remission -- she was was kind of  
9 vulnerable as well, so I just want off the bond.

10 MR. PADDEN: No. I understand. I respect that,  
11 Judge, but --

12 THE COURT: Okay. Now, I just want to know exactly  
13 what you were told about the conversation that your wife had  
14 with Mr. Ren. What did she say more specifically?

15 MR. LONG: Oh, what did she say?

16 THE COURT: Yes. What did she tell you about the  
17 conversation she had?

18 MR. LONG: She came in joking about she have a  
19 conversation with Alan. Alan instructed her and -- because  
20 it's just a walk across the border with no passport. And she  
21 could apply for a new passport with her (inaudible), then she  
22 would never go back to USA.

23 So she knew (inaudible) all the trouble. And he  
24 was (inaudible) lead another life here or in Taiwan or  
25 Mexico. And it's not really about what she said. It's about

1       -- more about our relationship --

2               THE COURT:   Okay.

3               MR. LONG:   -- is not working out.

4               THE COURT:   All right.

5               MR. LONG:   So I just want off the bond.

6               THE COURT:   Okay.   Fine.   Okay.   Yes.   I'll let you  
7 off the bond, and I think, though, you do need a new bond  
8 package.

9               MR. PADDEN:   Yeah.   We'll have one, Judge.   We'll  
10 certainly have one if we're given any opportunity to, and I'm  
11 just suggesting give us until Tuesday with whatever  
12 conditions you wish and Mr. Kirchheimer will be here and be  
13 in touch with family, and perhaps he could propose --

14              MR. LONG:   Ah --

15              MR. PADDEN:   -- offer a --

16              MR. LONG:   -- can I say something?

17              MR. PADDEN:   Not until I finish, please.

18              MR. LONG:   Sorry.

19              MR. PADDEN:   And, you know, present a package that  
20 could involve additional or other suretors or potentially  
21 cash, which I think that she may well be able to gather up  
22 within the next several days if you -- if she'd be permitted  
23 to.

24                       And like I said, this all comes a little of a  
25 surprise to her, and I think he's even explained to you that



1       there's more of an issue (inaudible). I think the Court gets  
2       what's going on here. There was no plot here. It's just --

3               THE COURT: Okay. No, no.

4               MR. PADDEN: -- a bad situation.

5               THE COURT: I mean, I think -- I think Mr. Long  
6       said it all that the -- it's -- he just no longer wants to  
7       be --

8               MR. PADDEN: Right. No, and I get that, Judge. I  
9       just --

10              THE COURT: -- her surety.

11              MR. PADDEN: -- I'm just asking to give us a chance  
12       to give you new package.

13              THE COURT: Okay. Not a problem.

14              MR. SRINIVASAN: Your Honor, we would ask for a  
15       remand in the meantime.

16              MR. PADDEN: And I think that's ridiculous frankly,  
17       given the nature of the charges. Given, you know, no other  
18       concerns about her. Given her plans to go to California.  
19       Given the fact that we've already been in touch with counsel  
20       out there.

21              I don't think she's in any other violation of any  
22       reporting requirements since she's been released, and that's  
23       been almost a month now. It seems there's no basis to put  
24       the harsh sanction of remand on her right now.

25              MR. SRINIVASAN: You --

1 MR. PADDEN: I assume they have all her travel  
2 documents. She's not going anywhere other than San Diego.

3 THE COURT: Well, it says in the memorandum that  
4 Ms. Wang packed a bag and left after this conversation, Mr.  
5 Long.

6 MR. LONG: She wasn't-- pack her luggage. She just  
7 carry her -- the backpack.

8 THE COURT: A backpack?

9 MR. LONG: Yes.

10 THE COURT: Okay. And did she leave your  
11 residence?

12 MR. LONG: Yes.

13 THE COURT: Okay. That was to -- when did this  
14 conversation take place?

15 MR. LONG: I just had called Pretrial Services --

16 THE COURT: Today? So it took place today?

17 MR. LONG: Yeah, today.

18 THE COURT: Okay. Now, where will the defendant be  
19 staying?

20 MR. PADDEN: I assume you can't -- you're not going  
21 to stay with him, right?

22 THE DEFENDANT: No.

23 MR. PADDEN: Where will you stay?

24 THE DEFENDANT: At the house.

25 MR. PADDEN: Well, isn't he at the house?

1 THE DEFENDANT: Yeah.

2 MR. PADDEN: Do you have another place you can stay  
3 till Monday?

4 THE DEFENDANT: (Inaudible.)

5 MR. PADDEN: Well, you're going to have to come up  
6 with some other -- do you have friends? (Inaudible.) Do you  
7 have friends you can stay with and not be at home with him?

8 THE DEFENDANT: Whether I want --

9 MR. PADDEN: May I just take a moment, please?

10 THE COURT: Yes. And maybe our Pretrial Services  
11 officer here has -- may have something to say.

12 PRETRIAL SERVICES OFFICER: Your Honor, can I  
13 (inaudible) is self-sustaining herself from her savings, and  
14 she is actually paying for the rent (inaudible). That is her  
15 residence.

16 MR. PADDEN: Good. We didn't quite get that far.  
17 If I had known that, obviously --

18 THE COURT: Is that correct, Mr. Long, that she's  
19 paying for the apartment?

20 MR. LONG: She is -- the money is from my mom. We  
21 just got married. We get money from mom. And actually --

22 MR. PADDEN: Your mom or her mom?

23 MR. LONG: My mom. My mom -- when we come back  
24 from China, my mom just gave her \$4,000 for starting new  
25 life.

1 MR. PADDEN: Gave it to her? She have -- and you  
2 have money and you're paying the rent?

3 THE DEFENDANT: But he asked for loan -- asking for  
4 a loan from his mom.

5 MR. PADDEN: Yeah, yeah. Okay. But your -- but  
6 the money --

7 THE COURT: Okay. Why don't you confer with her  
8 for a minute and give me a proposal on what you think ought  
9 to happen in the interim.

10 MR. SRINIVASAN: And, Your Honor, when Mr. Padden  
11 comes back, I'd just like to be heard briefly.

12 THE COURT: Hmm?

13 MR. SRINIVASAN: I would just like to be heard  
14 briefly, just --

15 THE COURT: Yes. Of course.

16 (Pause.)

17 MR. PADDEN: All right. Well, if that's the case.  
18 All right. Let me explain that to the Judge. Then maybe  
19 that sounds (inaudible). Is that -- we're ready to be back  
20 on.

21 MR. SRINIVASAN: Yeah. We're on.

22 MR. PADDEN: Well, Judge, I mean, I know that there  
23 seems to be a little disconcerting here, because she feels  
24 like she's paying the rent on where they're living and all,  
25 even though he says that it originally came as a gift from

1 his mother to her.

2 But the bottom line is, Judge, if necessary, she  
3 would stay in a hotel, if necessary. And I would suggest,  
4 with appropriate monitoring, keeping Pretrial informed of  
5 where she is, and if necessary, electronic monitoring, or  
6 location monitoring, and that would be satisfactory until we  
7 can come in here on Tuesday and present a new bail package  
8 that I think will probably involve either additional  
9 suretors, or the offer of a cash bond in an escrow account or  
10 something to secure her appearance in San Diego, which is  
11 almost -- which is almost -- fairly imminent some time in --  
12 June 6th, I believe, she's due in San Diego.

13 And there's been no problems with her except for  
14 what he says she says, which he's even conceded was sort of  
15 half joking. Clearly the relationship is not going well.

16 So it's better they stay apart, I'm sure. She will  
17 stay in a hotel. She has the funds to do that. And she'll  
18 keep them abreast of where she is and if you want a monitor  
19 her electronically, we can do that.

20 THE COURT: Is it possible to do that?

21 PRETRIAL SERVICES OFFICER: It is possible, Your  
22 Honor. (Inaudible) anyone would be able to come to court on  
23 a monitor (inaudible). She had an ex-boyfriend had a  
24 (inaudible). I'm not sure if that would be (inaudible).

25 MR. PADDEN: We're going to reach out, Judge. She

1       says that she will try to find someone to come in. But I  
2       think, frankly, a cash bond -- I mean, this -- we're only  
3       talking about a few days until she gets to San Diego, and it  
4       doesn't that seem on this -- given the nature of the charges  
5       here and her up until now non-issue with respect to Pretrial  
6       supervision, and I still think it's pretty much a non-issue,  
7       but --

8               PRETRIAL SERVICES OFFICER: (Inaudible.) Yes, we  
9       (inaudible).

10              MR. PADDEN: Yeah. She can't go anywhere.

11              MR. SRINIVASAN: Your Honor, so I hear Mr. Padden's  
12       position and I certainly think this was available case in the  
13       original instance and we consented to a bail package that was  
14       fairly easy to put together.

15              I think the material circumstances that have  
16       changed are you're hearing some inconsistent statements made  
17       to the Pretrial officer about her ties. We all know that she  
18       has minimal ties to the United States and she's a foreign  
19       national.

20              And this is where, at least in my experience, Your  
21       Honor, we have a sworn statement from the suretor about the  
22       defendant making statements about traveling to Mexico talking  
23       to a co-defendant.

24              I think that these are unique circumstances,  
25       although, you know, I agree this is not a -- it's not a

1 dangerous crime. It's not a crime involving large amounts of  
2 narcotics, or the kinds of cases this court usually sees.

3 The unusual circumstances are there seems to be a  
4 real risk of flight based on -- based on these contacts.  
5 Based on the lack of ties to United States. So --

6 THE COURT: Can I just get some background  
7 information. I don't (inaudible, microphone malfunction.)

8 UNIDENTIFIED FEMALE: -- (inaudible) services  
9 (inaudible).

10 MR. SRINIVASAN: Your Honor, my understanding is  
11 that the defendant's, I think, primary residence was in  
12 Mexico and she traveled to the United States for work. I  
13 think that it indicates she began renting a room in Flushing  
14 Queens in October 2016 when she was in the country.

15 But I think that her primary ties are to Mexico  
16 where I think -- I think Mr. Padden indicates she has a  
17 business there.

18 (Pause.)

19 THE COURT: (Inaudible) any meaningful ties to  
20 (inaudible).

21 MR. PADDEN: I agree, Judge. I mean, I'm not  
22 trying to claim that there are all strong ties, but the  
23 nature of the charges, the fact that she's been under  
24 Pretrial supervision for almost a month, the fact that she's  
25 due in court in another week or so, the fact that she can

1       probably come in and post at least a cash bail, if not bring  
2       in someone, a friend or a friend of a friend, or somebody to  
3       be willing to sign on the bond. On -- and I'm just asking  
4       for you to consider that on Tuesday. She has to put together  
5       a package.

6               MR. SRINIVASAN: Your Honor, I'm not prejudging a  
7       bail package that Mr. Padden might offer. I'm just saying in  
8       the meantime, I think remand is appropriate.

9               THE COURT: I think if you're making an offer of a  
10      cash bail, we should set it now and then (inaudible) in the  
11      interim we can have (inaudible).

12              MR. PADDEN: Yeah. Okay. Whatever you want,  
13      Judge. I just think it's kind of absurd to put her in jail  
14      given everything in this case.

15              THE COURT: Right.

16              MR. PADDEN: Whatever else you want is fine with  
17      me.

18              THE COURT: Okay. In the interim, we'll have --

19              MR. PADDEN: Yeah.

20              THE COURT: -- the monitoring, location monitoring.

21              MR. SRINIVASAN: Understood, Judge. We would also  
22      ask a condition be added for no contact with the co-  
23      defendant, Alan Ren.

24              MR. PADDEN: If that's what it takes, that's what  
25      it takes. But that was never a condition initially.



1 MR. SRINIVASAN: That's -- he's right.

2 THE COURT: That's true. But I think -- I think it  
3 may be appropriate in light of the recent (inaudible).

4 MR. PADDEN: Yeah. I'm not objecting to that  
5 Judge. I'm not objecting to that.

6 THE COURT: I'm going to set the cash bail for half  
7 the amount of the bond.

8 MR. PADDEN: Yeah. I can do the math. All right,  
9 Judge.

10 THE COURT: Okay. Lawyers are notorious for being  
11 bad at math.

12 MR. PADDEN: Well, that's -- that's simple enough  
13 for me. Anything more complicated -- if you had said a  
14 fraction other than a half, I might have had a problem. That  
15 would -- (inaudible) be more difficult for me. So \$25,000  
16 cash. And do you want to set a date and time which that has  
17 to be posted?

18 THE COURT: (Inaudible) you can offer an  
19 alternative (inaudible).

20 MR. PADDEN: All right. So you want to put this on  
21 the calendar for Tuesday then? Does that make sense or does  
22 that --

23 THE COURT: (Inaudible.)

24 MR. PADDEN: Yeah.

25 THE COURT: (Inaudible.)

1 MR. PADDEN: Sure. I happen to know just  
2 fortuitously Mr. Kirchheimer is on duty on Tuesday. So  
3 whatever you want.

4 THE COURT: (Inaudible.)

5 MR. SRINIVASAN: Yes, Judge. What time would the  
6 Court like us to --

7 MR. PADDEN: Eleven o'clock.

8 MR. SRINIVASAN: Eleven o'clock? (Inaudible.)

9 MR. PADDEN: Well, wait. Well, Peter is on duty.  
10 So ask for 2 o'clock.

11 MR. SRINIVASAN: Two o'clock.

12 MR. PADDEN: Two o'clock.

13 THE COURT: Okay. And she's going to have to stay  
14 (inaudible) --

15 MR. PADDEN: Pretrial will --

16 THE COURT: -- (inaudible) --

17 MR. PADDEN: Okay.

18 THE COURT: -- the monitoring then (inaudible) --

19 PRETRIAL SERVICES OFFICER: Current residence  
20 (inaudible) an issue that they need to resolve --

21 THE COURT: Well, we can resolve that now because  
22 he's here. Yes?

23 MR. LONG: Where's -- of bond issue. We're not  
24 talking about the person who's here --

25 THE COURT: Okay. So she can stay --

1 MR. LONG: Yeah. She can stay.

2 THE COURT: Okay.

3 MR. LONOG: Well, I'll -- just want to take off the  
4 responsibility --

5 THE COURT: Okay. The hearing is continued till  
6 (inaudible).

7 MR. PADDEN: Okay. I'll explain in a moment. You  
8 have to come back here on Tuesday at 2:00 p.m. Okay. Your  
9 bail is going to be -- you're going to have to come up with  
10 \$25,000 cash bail. I'll explain to you on how you can put  
11 that in an account or something. We'll talk about that.  
12 Okay.

13 MR. SRINIVASAN: Judge, are you going to advise her  
14 of the condition --

15 MR. PADDEN: In the meantime, Pretrial Services is  
16 going to put an electronic monitor on you to make sure you  
17 don't leave. Okay. You got that? Okay. All right.

18 THE COURT: So --

19 MR. PADDEN: So, I think, well, let's finish with  
20 the Judge, and I'll talk to you some more.

21 THE DEFENDANT: And so will I be going to my house  
22 or --

23 MR. PADDEN: Just a second. Yes. Yes, yes, yes.

24 THE COURT: I have crossed Mr. Long off the bond.

25 MR. PADDEN: Right.

1 THE COURT: I am modifying the release (inaudible)  
2 required cash collateral of \$25,000 (inaudible) continuation  
3 of the bail hearing on Tuesday.

4 MR. PADDEN: I got you. Yes.

5 THE COURT: And you can present a different bail  
6 package should you be able to locate any surety. I'm adding  
7 the condition that the defendant not have any contact with  
8 the co-defendant, Alan Ren.

9 MR. SRINIVASAN: Spelled A-l-a-n, R-e-n.

10 THE COURT: Okay. And when I say no contact, that  
11 means through any electronic means, face to face, or through  
12 third parties. Absolutely no sort of communication with him.

13 MR. PADDEN: Understood, Judge, and I will make  
14 that abundantly clear for her.

15 THE COURT: Okay. And then I -- this is not --  
16 this is outside of my jurisdiction, but since we will both be  
17 residing at the same place, I think it might be appropriate  
18 for both of you to keep an appropriate distance with each  
19 other and -- until you figure out some way of resolving any  
20 difficulties you have in your relationship.

21 MR. PADDEN: Okay.

22 THE CLERK: Anything else?

23 MR. PADDEN: I think that's it.

24 MR. SRINIVASAN: Not from the government. Thank  
25 you, Judge.

1 THE CLERK: Okay. Thank you.

2 MR. PADDEN: Thank you.

3 (Proceedings concluded at 4:11 p.m.)

4 I, CHRISTINE FIORE, Certified Electronic Court Reporter  
5 and Transcriber, certify that the foregoing is a correct  
6 transcript from the official electronic sound recording of  
7 the proceedings in the above-entitled matter.

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10 \_\_\_\_\_ October 17, 2017

11 Christine Fiore, CERT

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